

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6862

BILL NUMBER: SB 482

NOTE PREPARED: May 5, 2003

BILL AMENDED: Apr 24, 2003

SUBJECT: Retroactive Credit for Earning a Degree in Prison.

FIRST AUTHOR: Sen. Waterman

FIRST SPONSOR: Rep. V. Smith

BILL STATUS: Enrolled

FUNDS AFFECTED: X

**GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: (CCR Amended) This bill has the following provisions:

- A. It allows a prisoner to receive additional credit time for a diploma or degree completed before July 1, 1999, unless the prisoner has been convicted of certain sex crimes.
- B. It provides that a prisoner may receive credit time for completion of a literacy and basic life skills program.
- C. It provides that credit time for multiple degrees at the same education level is awarded based upon Department of Correction guidelines.

Effective Date: July 1, 2003.

Explanation of State Expenditures: *Provision A --Background:* Under current law, offenders in Department of Correction (DOC) facilities may have a portion of their sentence reduced by remaining in Credit Class I (receiving one day of credit off of their sentence for each day served when complying with DOC facility rules of conduct) and by completing one or more of the programs shown in the following table:

<u>Program Completed</u>	<u>Amount of Credit Time An Offender Can Earn</u>
General Education Development Diploma	6 Months
High School Diploma	One Year
Associate's Degree	One Year
Bachelor's Degree	Two Years
Certificate of Completion of a Vocational Education Program	6 Months
Certificate of Completion of a Substance Abuse Program	6 Months

The maximum amount of credit time that an offender can earn for completing a combination of diplomas and certificates is the lesser of four years or one-third of the offender's applicable credit time.

Under current law, how credit time is applied to an offender's sentence depends on when the degree or program requirements are completed.

- If the person completed the program or degree before July 1, 1999, the credit time is subtracted from the offender's period of imprisonment.
- If the program or degree was completed after July 1, 1999, then the credit time is subtracted from the offender's release date after subtracting all other credit time earned by the person.

This bill would specify that the credit time that offenders earned by completing an educational program prior to July 1, 1999, would be applied in the same way that credit time was applied for offenders completing an educational program after July 1, 1999.

DOC indicates that with the July 1, 2003, effective date of this bill, if an offender's new release date is July 2, 2003, the earliest date that this offender would be released would be 40 days after the new release date. This is because under IC 11-13-3-3(d), DOC is required to notify a victim or witness 40 days prior to when an offender is to be released.

Effect on DOC's Offender Population: The Department of Correction identified 788 offenders who could be given an earlier release between FY 2003 and FY 2008. Based on offenders who were incarcerated in DOC as of January 28, 2003, 18% were incarcerated for a sex crime or kidnaping. Offenders who were committed for these crimes would have the same release date as under current law. Offenders who were committed for a crime other than a sex offense would receive an earlier release date. Consequently, this bill would likely affect an estimated 646 offenders.

The earlier release would depend on each offender's conduct between now and the offender's release date and amount of credit time that the offender earned.

The specific year that these offenders would be released was not currently available.

The following table demonstrates the difference in how the credit time would be applied under the two scenarios.

Example of Offender With Ten-Year Sentence And Two Years of Earned Credit Time:		
	<u>Earned Before July 1, 1999</u>	<u>Earned After July 1, 1999</u>
Sentence Date:	July 1, 1998	July 1, 1998
Release Date With No Credit Time	July 1, 2008	July 1, 2008
Apply First Type of Credit Time	July 1, 2006 (earned credit time)	July 1, 2005 (good conduct credit time)
Apply Second Type of Credit Time	July 1, 2004 (good conduct credit time)	July 1, 2003 (earned credit time)

The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Effect on Parole Officers: If offenders are released on parole earlier than under current statute, then the number of offenders on supervision by parole officers would increase temporarily until the offender is finally released from parole. The added burden will depend on which part of the state these offenders relocate.

Provision B has potentially two offsetting costs.

First, if more offenders become interested in enrolling and successfully complete the adult literacy program, it may reduce the length of stay for a significant number of offenders.

Second, depending on the interest of the offenders, this bill could increase the waiting list for enrolling in adult literacy programs. Increasing the waiting lists to enroll could potentially increase the need for more basic literacy programs.

Reducing the sentences of Offenders -- The maximum amount of credit that an offender could receive under this bill for completing a literacy and basic life skills program is six months, and at least a portion of the program requirements must be completed after June 30, 1999.

The Department of Correction (DOC) reports the number of offenders who have been enrolled in adult basic education classes by fiscal year in the following table.

Enrollment in Adult Basic Education Programs in DOC Facilities by Fiscal Year	
FY 2000	1,849
FY 2001	1,134
FY 2002	2,466
First Quarter of FY 2003	629

The following table illustrates the amount of time that can be subtracted from an offender's sentence for remaining in Credit Class 1 and completing one or more diplomas and certificates.

Illustrations of the Amount of Maximum Sentence Reductions (In Years) That Offenders Can Earn Under Current Law				
Nominal Sentence (In Years)	Maximum Credit Time Received by Remaining in Credit Class 1	Maximum Earned Credit Time	Potential Maximum Credit Time	Potential Minimum Time Served
25	12.5	4	16.5	8.5
20	10	4	14	6
17.5	8.75	4	12.75	4.75
15	7.5	3.83	11.33	3.67
12	6	3.33	9.33	2.67
5	2.5	2.17	4.67	0.33

Increasing Waiting Lists and Shifting Offenders – Waiting list size depends on the facility. DOC indicates that all facilities offer adult basic education and literacy programs and all facilities have a waiting list. DOC indicates that when waiting lists are high in some facilities, offenders will sometimes be transferred to other facilities so they can participate sooner in the program.

Provision C addresses the issue of how much earned credit time that an offender can accrue for earning more than one degree at the same level. The DOC reports that between 1994 and 2003, 809 offenders completed more than one education degree (such as a high school diploma and an associates degree). Of these offenders, 137 earned more than one associate degree and 18 earned more than one bachelor degree. Depending on the rules that the DOC would adopt, this provision could affect how the credit time is earned.

Explanation of State Revenues:

Explanation of Local Expenditures: *Provision A --Effect on Probation Officers:* If offenders are sentenced to be released to probation earlier than under current statute, then the number of offenders supervised by probation officers would increase temporarily. The added burden will depend on which county these offenders would relocate.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Probation Offices.

Information Sources: Department of Correction.

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